

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

FREDERICK UPSHAW, Jr.,

Plaintiff,

v.

CV No. 18-1233 KWR/CG

BOARD OF REGENTS OF
NEW MEXICO STATE UNIVERSITY,

Defendant.

**ORDER SETTING TELEPHONIC STATUS CONFERENCE
AND SETTLEMENT CONFERENCE**

To facilitate a final disposition of this case, a mandatory settlement conference will be conducted in accordance with Federal Rule of Civil Procedure 16(a)(5). The settlement conference will be held on **Wednesday, February 19, 2020, at 9:00 a.m., in the United States Courthouse, 100 North Church Street, Las Cruces, New Mexico, Organ Courtroom**. A telephonic status conference will be held on **Monday, February 10, 2020, at 2:00 p.m.** to discuss the parties' positions.

IT IS HEREBY ORDERED that the parties and a designated representative, other than counsel of record, with full authority to resolve the case, must attend in person; counsel who will try the case must also attend in person. All attorneys and parties involved in the settlement conference must treat as confidential the information discussed, positions taken, and offers made by other participants in preparation for and during the conference.¹

¹ This does not prohibit disclosures stipulated to by the parties, necessary in proceedings to determine the existence of a binding settlement agreement, or as otherwise required by law.

IT IS FURTHER ORDERED that:

1. By **January 23, 2020**, Plaintiffs' counsel shall serve on Defendant's counsel a concise letter that sets forth a settlement demand itemizing the principle supporting damages or other relief that Plaintiffs assert would appropriately be granted at trial.
2. By **January 30, 2020**, Defendant's counsel shall serve on Plaintiffs' counsel a concise letter that sets forth a response to the settlement demand.
3. By **February 3, 2020**, each party shall provide to the Court:
 - a. A copy of each letter that was sent to an opposing party;
 - b. A confidential, concise letter containing an analysis of the strengths and weaknesses of its case; and
 - c. Any video or audio recordings of the incident upon which this action is based.

These materials may be submitted to the Court by email at garzaschambers@nmd.uscourts.gov.

4. Each of these letters typically should be five (5) pages or fewer, and counsel will ensure that each party reads the opposing party's letter before the settlement conference.
5. Before **February 10, 2020**, counsel shall confer with one another about their clients' respective positions.
6. On **February 10, 2020, at 2:00 p.m.**, counsel shall call Judge Garza's AT&T line at (877) 810-9415, follow the prompts, and enter access code 7467959, for a pre-settlement telephonic status conference.

A party must show good cause to vacate or reschedule the settlement conference. Any such request must provide the Court with sufficient notice to ensure that other matters may be scheduled in the time allotted for the settlement conference.

IT IS SO ORDERED.



THE HONORABLE CARMEN E. GARZA
CHIEF UNITED STATES MAGISTRATE JUDGE